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Hiroaki Ueda

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

TEKLE, DANIEL T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Argument

Applicant's arguments filed September 02, 2008 have been fully considered but they are not persuasive.

Applicant argument regarding claim 1-27 on page 10 of the remark, in response the examiner maintains that MacCormack more than adequately provides support for the claimed limitation as show in Fig. 90a and 136.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by MacCormack et al (US 6,144,797).

Regarding Claim 1: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to control a frame size, a frame rate, and an average bit rate of compressed video image data in response to change to free area of a recording medium for recording compressed video image data, control occurring throughout compressing of

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non-compressed video image data (**columns 61-62, lines 60-6; column 62 lines 25-46; column 86 lines 16-30 and figure 136**).

Regarding Claim 2: MacCormack et al. disclose a video image data archiver according to claim 1, wherein said encoder controller decides average bit rate in response to at least one parameter, and decides frame size and said frame rate based on average bit rate (**columns 61-62, lines 60-6**).

Regarding Claim 3: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors free area of recording medium, and modifies at least one of frame size, frame rate, and average bit rate when detecting a change in free area of recording medium (**columns 61-62, lines 60-6 and figure 136**).

Regarding Claim 4: MacCormack et al. disclose a video image data archiver according to claim 3, wherein encoder controller decreases at least one of frame size, frame rate, and average bit rate when detecting a decrease in free area of recording medium (**columns 61-62, lines 60-6 and column 86 lines 3-13**).

Regarding Claim 5: MacCormack et al. disclose a video image data archiver according to claim 3, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate when detecting an increase in free area of recording medium (**columns 61-62, lines 60-6 and column 86 lines 3-13**).

Regarding Claim 6: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors number of frames of non-compressed video image data, and modifies at least one of frame size, frame rate, and

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average bit rate, when detecting a change in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 7: MacCormack et al. disclose a video image data archiver according to claim 6, wherein encoder controller decreases at least one of frame size, frame rate, and average bit rate, when detecting an increase in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 8: MacCormack et al. disclose a video image data archiver according to claim 6, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate, when detecting a decrease in number of frames of non-compressed video image data **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 9: MacCormack et al. disclose a video image data archiver according to claim 1, wherein encoder controller monitors recording time of non-compressed video image data, and modifies at least one of frame size, frame rate, and average bit rate when detecting a change in recording time **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

Regarding Claim 10: MacCormack et al. disclose a video image data archiver according to claim 9, wherein encoder controller decreases at least one of frame size, frame rate, and average bit rate when detecting an increase in recording time of original video image **(columns 61-62, lines 60-6 and column 86 lines 3-13)**.

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Regarding Claim 11: MacCormack et al. disclose a video image data archiver according to claim 9, wherein encoder controller increases at least one of frame size, frame rate, and average bit rate when detecting a decrease in recording time of original video image (**columns 61-62, lines 60-6 and column 86 lines 3-13**).

Regarding Claim 12: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to control a frame size, and an average bit rate of compressed video image data in response to change to a free area of a recording medium for recording compressed video image data, control occurring throughout compressing of non-compressed video image data (**columns 61-62, lines 60-6 and column 86 lines 3-13**).

Regarding Claims 13-16: Claims 13-16 are rejected for the same subject matter as claims 2-3, 6 and 9 respectively.

Regarding Claim 17: MacCormack et al. disclose a video image data compression archiver comprising: an encoder compressing non-compressed video image data to generate compressed video image data; and an encoder controller connected to encoder to control a frame rate, and an average bit rate of compressed video image data in response to change to a free area of a recording medium for recording compressed video image data, control occurring throughout compressing of non-compressed video image data (**columns 61-62, lines 60-6; column 62 lines 25-46 and column 86 lines 3-13**).

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Regarding Claim 18: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller decides average bit rate in response to at least one parameter, and decides frame rate based on average bit rate (**column 86 lines 3-31**).

Regarding Claim 19: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors free area of recording medium, and modifies at least one of frame rate, and average bit rate, when detecting a change in free area of recording medium (**column 86 lines 3-31**).

Regarding Claim 20: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors number of frames of non-compressed video image data, and modifies at least one of frame rate, and average bit rate, when detecting a change in number of frames of non-compressed video image data (**column 86 lines 3-31**).

Regarding Claim 21: MacCormack et al. disclose a video image data archiver according to claim 17, wherein encoder controller monitors recording time of frames of non-compressed video image data, and modifies at least one of frame rate, and average bit rate, when detecting a change in recording time of non-compressed video image data (**column 86 lines 3-31**).

Regarding Claims 22-23: Claims 22-23 are rejected for the same subject matter as claims 1-2 respectively.

Regarding Claims 24-25: Claims 24-25 are rejected for the same subject matter as claims 12-13 respectively.

Regarding Claims 26-27: Claims 26-27 are rejected for the same subject matter as claims 17-18 respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621